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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,700	03/23/2001	Roger Newman Schulz	Schulz.R-1	5935

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HUMAN GENOME SCIENCES INC  
INTELLECTUAL PROPERTY DEPT.  
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ROCKVILLE, MD 20850

EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/816,700

Applicant(s)

SCHULZ, ROGER NEWMAN

Examiner

Igor Borissov

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

**Claims 8-11** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 8.** The phrase: "actuating at least a portion of the accounts" is confusing, because it could be understood as *activating a few accounts in a group of accounts*, or *activating a portion (?) of each of the account in the group of the accounts*.

**Claims 9-11** are rejected as being dependent on **Claim 8**.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 3 and 5-11** are rejected under 35 U.S.C. 102(e) as being anticipated by Felger (US 6,553,108).

**Claim 3.** Felger teaches said method for billing a communication session conducted over the Internet, wherein a request is received from a user for a communication session over the Internet (access to the Internet), including a computer-network telephony call or a multimedia session; information associated with a user's account is requested and received in real time before the user is connected to the value-added service, said information including a predetermined amount that is to be charged to the user's account or is to be set aside in the user's account for the

communication and payment authorization information; a total charge for the communication session that is based on an actual time that the user is connected is calculated when the communication session is terminated (C. 4, L. 50 – C. 5, L. 18). Furthermore, Felger teaches verifying the originating Internet address or unique identification entered by the user, and checking that the user has not exceed a permissible number or duration of sessions (time balance) the user has made during a predetermined period of time, or an amount of money the user has spent during a predetermined period of time by querying a database (C. 25, L. 6-31), said unique user's identification including the Internet address of the user, a unique identification of the user, a driver's license and/or social security number of the user or a user's password (C. 25, L. 23-28).

**Claims 5-11.** See reasoning applied to **Claim 3**.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 4 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Felger in view of Urera (US 2002/0078059).**

**Claim 1.** Felger teaches a method for billing a communication session conducted over the Internet, wherein a request is received from a user for a communication session over the Internet (access to the Internet), including a computer-network telephony call or a multimedia session; information associated with a user's account is requested and received in real time before the user is connected to the value-added service, said information including a predetermined amount that is to be charged to the

user's account or is to be set aside in the user's account for the communication and payment authorization information; a total charge for the communication session that is based on an actual time that the user is connected is calculated when the communication session is terminated (C. 4, L. 50 – C. 5, L. 18). Furthermore, Felger teaches verifying the originating Internet address or unique identification entered by the user, and checking that the user has not exceed a permissible number or duration of sessions (time balance) the user has made during a predetermined period of time, or an amount of money the user has spent during a predetermined period of time by querying a database (C. 25, L. 6-31) said unique user's identification including the Internet address of the user, a unique identification of the user, a driver's license and/or social security number of the user or a user's password (C. 25, L. 23-28).

Felger does not specifically teach communicating the new account time balance to the user.

Urera teaches a method for providing an access to the Internet, wherein a user is provided with a pre-set amount of (free) Internet access time. In use, the time and/or duration that the user is connected to the Internet is tracked, and once the amount of free time is depleted, access to the Internet is discontinued. The server may prompt the user when the amount of used time is nearing the amount of free time. The prompt may also provide an option to increase the amount of free time [0007]; [0024].

It would have been obvious to one having ordinary skill in the art to modify Felger to include prompting the user regarding the remaining time balance, as disclosed in Urera, because it would advantageously allow the user to be sure that he/she would stay connected during important session.

**Claims 2 and 4.** See reasoning applied to **Claim 1**.

**Claim 12.** Ability to increase the amount of (free) time in Urera indicates modification of the account [0024].

**Claim 13.** Prompting the user when the amount of used time is nearing the amount of free time in Urera indicates reporting step [0024].

**Claim 14.** Felger teaches assigning discount to the account (C. 16, L. 40-45).

**Claim 15.** Ability to increase the amount of (free) time in Urera indicates recharging of the account [0024].

**Claim 16.** Urera discloses a bonus (free) account (see reasoning applied to **Claim 1**).

#### **Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649 before April 13, 2005, and (571) 272-6801 after that date.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist before April 13, 2005, whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702 before April 13, 2005, and (571) 272-6812 after that date.

Any response to this action should be mailed to:

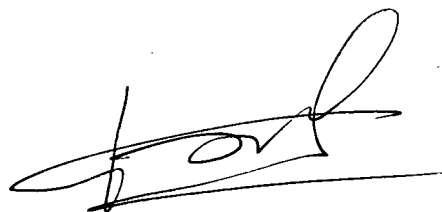
***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

Igor Borissov  
Patent Examiner  
Art Unit 3629

A handwritten signature in black ink, appearing to read 'Igor Borissov', with a large, stylized flourish at the end.

IB

3/10/2005